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Note verbale dated 30 April 2012 from the Permanent Mission of the Socialist Republic of Viet Nam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to transmit herewith a report on the implementation by Viet Nam of Security Council resolution 1929 (2010) (see annex).

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Annex to the note verbale dated 30 April 2012 from the Permanent Mission of the Socialist Republic of Viet Nam to the United Nations addressed to the Chairman of the Committee

Report of the Socialist Republic of Viet Nam on the implementation of United Nations Security Council resolution 1929 (2010)

Pursuant to paragraph 31 of resolution 1929 (2010) of the United Nations Security Council, Viet Nam reports on the measures taken to implement the resolution and related legal instruments as follows:

1. It is the consistent position of Viet Nam to support the non-proliferation of nuclear weapons and other weapons of mass destruction, and strive towards their total elimination. At the same time, Viet Nam supports the legitimate right of nations to use nuclear energy and technologies for peaceful purposes.

2. As a responsible member of the United Nations, Viet Nam has always fulfilled its obligations under Security Council resolutions. In compliance with Security Council resolutions relating to Iran, Viet Nam has been implementing all the related obligations, including submitting its reports on resolutions 1737 (2006), 1747 (2007) and 1803 (2008).

3. With regard to resolution 1929 (2010), shortly after its adoption, on 1 July 2010, the Prime Minister of Viet Nam sent an instruction to relevant ministries and agencies requesting those bodies to implement the resolution. In accordance with the Prime Minister's instruction, the ministries and agencies informed their focal points and subordinates of the resolution's contents, including the lists of designated individuals and entities.

4. The Prime Minister's instruction on the implementation of resolution 1929 (2010) and other legal documents and mechanisms, including those relating to the implementation of resolutions 1737 (2006), 1747 (2007) and 1803 (2008), establishes a fundamental legal framework for the implementation of resolution 1929 (2010) as follows:

(a) Arms control

5. In Viet Nam, the Government exercises strict and sole management over all weapons and armaments; individuals with no authority and mandate are not allowed to own or use weapons. Weapons and related materials are considered exclusive goods that are prohibited from production, stockpiling, transporting and trading. The 1999 Penal Code specifies penalties for the production, stockpiling, transportation and trade of weapons, explosives and supporting equipment, radioactive and inflammable materials, and toxins.

6. Apart from laws and regulations applicable to all types of weapons, Viet Nam has additional regulations to control weapons of mass destruction and related materials. In June 2008, the National Assembly of Viet Nam passed the Law on Atomic Energy, which specifies measures to ensure atomic energy safety and its development for peaceful purposes. The Law prohibits acts of using atomic energy which violate national sovereignty and the rights and legal interests of individuals and organizations, and harm man and the environment; prohibits research on and the

development, transfer or use of nuclear and radiation weapons. The Law also stipulates control of the export and import of radioactive materials and nuclear equipment, and commodities that emit radiation or containing radioactive materials; the supervision of imports which are suspected of containing radioactive materials or of emitting radiation, etc. In addition, many legal documents on nuclear safety have also been issued, such as: the Ordinance on Radiation Safety and Control (1996), the Action Plan on Radiation and Nuclear Safety and Controls (2000), Decree No. 51/2006/ND-CP dated 19 May 2006 and the circular issued in June 2007 stipulating regulations sanctioning administrative violations of radiation safety and control. Recently, on 25 March 2011, the Prime Minister issued Decision No. 450/QD-TTg approving a scheme for the application of security assurance measures in the field of atomic energy, including measures to prevent the illegal import, export, transfer or transportation of nuclear materials.

7. Regarding chemicals, on 3 August 2005, the Government of Viet Nam issued Decree No. 100/2005/ND-CP on the implementation of the Chemical Weapons Convention which provides for strict regulation of the transfer of chemicals. On 21 November 2007, the National Assembly of Viet Nam adopted the Law on Chemicals, which designated the Ministry of Industry and Trade as the Government agency managing all activities involving chemicals. On 7 October 2008, the Government issued Decree No. 108/2008/ND-CP detailing and guiding the implementation of this Law.

8. On 26 August 2005, the Prime Minister issued Decision No. 212/2005/QD-TTg promulgating the Regulation on Management of Biological Safety of Genetically Modified Organisms and products and goods originating from genetically modified organisms. The regulation provides for State management of biological safety in the following activities: scientific research, technological invention and testing; production, trading and use; import, export, storage and transportation; risk assessment and management, biological safety licensing for genetically modified organisms and products and goods originating from genetically modified organisms in order to protect human health, the environment and biological diversity.

9. Viet Nam's legal instruments governing domestic and foreign trade also provide strict regulations for activities related to all kinds of weapons and materials that may be used for the production and use of weapons of mass destruction. Legal documents, including the 2005 Trade Law, the 2006 Law on Civil Aviation and Government Decree No. 32/2005/ND-CP, specify punitive measures for the smuggling, illicit transportation and use of weapons, radioactive substances and explosives via land border posts, airports and seaports. With regard to temporary import for re-export, regulations for business in the form of temporary import for re-export, transit shipments and outsourcing stipulate that temporary import for re-export and transit shipments of prohibited goods must have the permission of the Ministry of Industry and Trade. In 2007, the Prime Minister of Viet Nam issued Directive 25/2007/CT-TTg on counter-terrorism in the new context, which further tightened control measures on these types of weapons.

10. In implementing these regulations, Viet Nam's competent agencies, including the Customs, have been cooperating with relevant agencies of other countries and international organizations in preventing the passage of prohibited and smuggled commodities across borders, while at the same time enhancing goods supervision across national borders to detect and prevent illicit transportation of

smuggled and prohibited goods, weapons, explosives and other hazardous substances.

(b) Transport and shipping management

11. Government Decree No. 71/2006/ND-CP of 25 July 2006 stipulates the procedures required for vessels entering or exiting Viet Nam, describing the two cases requiring direct management and monitoring of State agencies on board, which are: (i) vessels with obvious signs of being in violation of the law and (ii) situations where such monitoring and management are necessary to safeguard security, national defence, and law and order, or to prevent pandemic diseases.

12. Furthermore, under the Prime Minister's instruction of 1 July 2010 on the implementation of resolution 1929 (2010), the Ministry of Industry and Trade issued Directive No. 6862/BCT-KV4 of 12 July 2010 to inform subordinate bodies and associations, requesting their compliance with the resolution in doing business with Iran. The documents mentioned above also provide a legal basis for the effective implementation of resolution 1929 (2010).

13. On that basis, the Government of Viet Nam instructed relevant bodies and agencies to inspect goods coming from or to Iran in Viet Nam's territory, particularly at seaports and airports, in conformity with existing domestic and international law, with a view to ensuring that those goods are not prohibited from supply, sale, transfer or export under the provisions of relevant Security Council resolutions.

14. The General Department of Viet Nam Customs, under the Ministry of Finance, has the main responsibility for goods inspection in the implementation of Security Council resolutions, in conformity with Viet Nam's laws.

(c) Entry and transit control

15. In Ordinance No. 24/1999/PL-UBTVQH10 dated 28 April 2000 on Entry, Exit and Residence of Foreigners in Viet Nam, article 4 makes it clear that "foreigners entering or exiting Viet Nam must hold passports or alternative travel documents (hereinafter collectively referred to as passports) with a valid visa issued by an authorized Vietnamese agency, except for cases wherein a visa is not required". Article 19 of the Ordinance stipulates that "the Ministry of Public Security is responsible for State management over entry, exit and residence of foreigners in Viet Nam". To fulfil this mandate, the Ministry of Public Security issued the Regulation on Entry and Transit of Foreigners in Viet Nam for Tourism Purposes, which sets out strict procedures for relevant individuals and organizations to report to the competent authorities of Viet Nam on their entry and exit.

16. Subsequent to the 2000 Ordinance, the Government issued Decree No. 21/2001/ND-CP for detailed implementation of the Ordinance and Decree No. 32/2005/ND-CP of 11 March 2005 setting out the regulations for land border posts and exit and entry, transit, import and export through the border posts of people, vehicles and goods, in order to manage and protect sovereignty and national border security. Article 15 of this Decree strictly prohibits all false passports and travel documents, as well as the organization, guiding and transportation of people for illegal migration purposes at border posts.

(d) Asset freezing and financial vigilance

17. Viet Nam has managed to establish a legal basis and implement measures to prevent and fight money-laundering through monetary transactions or other asset transactions. The legal instruments include: the 2010 Law on the State Bank of Viet Nam, the 2010 Law on Credit Institutions, the Law on amendments to the 1999 Penal Code on harbouring or using property acquired through the commission of crimes by other persons and on money-laundering (arts. 250 and 251), Joint Circular No. 09/2011/TTLT-BCA-BQP-BTP-NHNNVN-VKSNDTC-TANDTC dated 30 November 2011 guiding the application of the aforementioned provisions of the 1999 Penal Code, the 2005 Ordinance on Foreign Exchange, and the Government decrees on administrative penalties in monetary and banking operations, on payments through payment service institutions and on the organization and operation of People's Credit Funds.

18. In particular, Government Decree No. 74/2005/ND-CP dated 7 June 2005 stipulates mechanisms and measures to address money-laundering in Viet Nam through monetary or asset transactions. According to the Decree, the focal point for the anti-money-laundering inter-agency mechanism is the State Bank of Viet Nam, in which the Anti-money-laundering Department is directly responsible for receiving and processing information regarding illegal transactions or transactions of illegal origin, making periodic reports to the Government and coordinating with relevant agencies in the implementation of the Decree. The Ministry of Public Security is the leading authority handling money-laundering-related crimes, and investigates money-laundering cases, coordinating with the State Bank of Viet Nam to take the necessary preventive anti-money-laundering measures.

19. To implement resolution 1929 (2010) and other related resolutions of the Security Council, the State Bank of Viet Nam has applied high-level preventive and vigilant measures, requesting banking and credit institutions to apply to the highest level the standards of customer identification and make reports on excessive currency transactions (CTR200, CTR500), on international electronic money transfers and on suspicious transactions to the Anti-money-laundering Department and the Banking Inspection and Supervision Agency for inspection and reporting to the competent authorities.

20. In the past few years, Viet Nam's competent agencies, including central and local bodies, relevant agencies and guards at border posts, seaports and airports, have taken active and effective measures to manage and control exports and imports, financial transactions, entry and exit, thereby helping to maintain stable security and social order in Viet Nam. So far, no violation of resolution 1929 (2010) has been found in Viet Nam. Individuals and organizations in Viet Nam have no relations with those designated in that resolution.

21. Viet Nam reaffirms its commitment to fully implement its obligations under resolution 1929 (2010) and is willing to work with relevant authorized parties in this effort. In this line, Viet Nam welcomed the visit of the 1737 Committee's Panel of Experts to Viet Nam on 16 and 17 April 2012 to exchange information and experience on the implementation of the relevant resolutions in Viet Nam.

22. Viet Nam also hopes that international efforts, through peaceful and constructive dialogue, will actively contribute to finding a peaceful solution to the Iranian nuclear issue, while facilitating normal and legitimate commercial activities among nations, for the sake of sustainable peace, stability and development in the region and the world.